

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

UNITED STATES OF AMERICA

v.

DEREEN PORCH, a/k/a DEREEN
FITZGERALD, a/k/a RENA
FITZGERALD, a/k/a DEREEN VERA
FITZGERALD

Defendant

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: CASE NO. 4:21-CR-23 (CDL)
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PRELIMINARY ORDER OF FORFEITURE/MONEY JUDGMENT

WHEREAS, on November 30, 2021, Defendant Dereen Porch, a/k/a Dereen Fitzgerald, a/k/a Rena Fitzgerald, a/k/a Dereen Vera Fitzgerald (hereinafter “Porch” or “Defendant”), pled guilty to Counts One and Two of the Indictment charging her with Wire Fraud, in violation of Title 18, United States Code, Section 1343;

AND WHEREAS, the Indictment contained a generic Forfeiture Notice, pursuant to which the United States seeks forfeiture under Title 18, United States Code, Section 981(a)(1)(C), in conjunction with Title 28, United States Code, Section 2461(c), of any property, real or personal, constituting, or derived from proceeds traceable to such offense(s);

AND WHEREAS, the Defendant pled guilty to a written Plea Agreement to Counts One and Two of the Indictment charging that Porch, and Co-Defendant Curtis Porch, aided and abetted each other and by others both known and unknown to the

Grand Jury, and having devised a scheme and artifice to defraud and obtain money by means of material false pretenses and representations, for the purpose of executing and in order to effect this scheme and artifice, did knowingly transmit or cause to be transmitted in interstate commerce, by means of a wire communication, certain signs, signals, and sounds, that is, electronic applications for Small Business Administration (“SBA”) loans/grants under the Coronavirus Aid, Relief, and Economic Security Act, which originated and were transmitted from the state of Georgia and then were received at the SBA processing facility in the state of Iowa; all in violation of Title 18, United States Code, Section 1343, in connection with Title 18, United States Code, Section 2;

AND WHEREAS, the United States has filed a Motion and Memorandum for the Issuance of a Preliminary Order of Forfeiture/Money Judgment against Porch in the amount of two hundred thirty thousand, three hundred dollars (\$230,300.00), representing the proceeds of the violation, obtained as a result of such offense(s); and

WHEREAS, Rule 32.2(c)(1) of the Federal Rules of Criminal Procedure provides that “no ancillary proceeding is required to the extent that the forfeiture consists of a money judgment”;

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Pursuant to 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c), 18 U.S.C. § 3554, and Rule 32.2(b), Federal Rules of Criminal Procedure, the Court finds by a

preponderance of the evidence that the United States has demonstrated the required nexus between the personal money judgment amount and the offense(s) of conviction, and the Defendant shall forfeit to the United States the sum of two hundred thirty thousand, three hundred dollars (\$230,300.00).

2. The United States District Court, Middle District of Georgia, shall retain jurisdiction in the case for the purpose of enforcing this Preliminary Order of Forfeiture/Money Judgment.

3. Pursuant to FED. R. CRIM. P. 32.2(b)(4), this Preliminary Order of Forfeiture/Money Judgment shall become final as to the Defendant at the time of sentencing and shall be made part of the sentence and included in the judgment.

4. As issued this date, this Preliminary Order of Forfeiture/Money Judgment consists of a judgment for a sum of money. The United States may, at any time, move pursuant to FED. R. CRIM. P. 32.2(e), to amend this Preliminary Order of Forfeiture/Money Judgment if the Government locates specific assets traceable to the offense(s) or other assets subject to forfeiture as substitute assets pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c), through 18 U.S.C. § 981(a)(1)(C).

SO ORDERED, this 23rd day of May, 2022.

S/Clay D. Land

CLAY D. LAND, JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA